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Jan. 19, 1922.

[110 S. E. 370.]

**1. Trusts (§ 81 (2)\*)—No Resulting Trust Arises in Favor of Husband Who Purchased with His Own Money and Took Title in the Name of Himself and His Wife.**—Where a husband purchased land with his own money and took title in the name of himself and his wife, no resulting trust arises in his favor, but the deed *prima facie* makes a valid settlement upon the wife to the extent of the interest in the real estate conveyed to her thereby.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 278.]

**2. Trusts (§§ 41, 44 (3)\*)—In Proving an Express Trust, Burden of Proof Is on One Alleging It; Proof Must Be Clear.**—In proving an express trust, the burden of proof is upon the one claiming it, and to establish it by parol evidence the declaration must be unequivocal, explicit, and established by clear and convincing testimony.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 275.]

**3. Trusts (§ 44 (1)\*)—Evidence Held Not Sufficient to Establish an Express Trust.**—Evidence held not sufficient to establish an express trust.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 276.]

**4. Principal and Agent (§ 177 (6)\*)—Principal Is Bound by the Action and Knowledge of His Agent in Having a Deed Executed to the Principal and His Wife.**—Where an agent told the secretary of a loan association that title to land to be bought by his principal would be in the names of the principal and his wife, and later authorized the secretary to direct the deed to be drawn accordingly, which was within the scope of the agent's authority, and the deed was so drawn and executed and was understood to be so drawn and executed by the agent, the principal is bound as to the interest conveyed to his wife by the action and knowledge of his agent.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 275.]

Appeal from Chancery Court of Richmond.

Suit by Luther T. Page against Mary A. Page. On judgment that plaintiff was entitled to the entire beneficial interest in certain real estate, defendant appeared and by petition asked the court to reinstate the cause, which was done. On trial, after being reinstated, decree was entered that plaintiff was entitled to the entire beneficial interest in the real estate, from which defendant appealed. Decree set aside and annulled, and final decree entered for defendant dismissing the suit.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

*S. S. P. Patteson* and *J. H. Rives, Jr.*, both of Richmond, for appellant.

*Brockenbrough Lamb* and *Hill Montague*, both of Richmond, for appellee.

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HARDING *v.* COMMONWEALTH.

Jan. 19, 1922.

[110 S. E. 376.]

**1. Seduction (§ 46\*)—Admissions by Accused that He Intended to Marry Prosecutrix, if Believed by Jury, Sufficient Corroboration.**—In a prosecution for seduction under promise of marriage, admissions of the accused that he had promised to marry the prosecutrix before he became intimate with her, if believed by the jury to have been made, constituted sufficient corroboration.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 130.]

**2. Seduction (§ 49\*)—Question of Prosecutrix's Chastity for Jury.**—In a prosecution for seduction under promise of marriage, under Code 1919, § 4410, the chastity of the prosecutrix was presumed, and, where there was a conflict of the evidence, the question of her chastity was for the jury.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 130.]

**3. Criminal Law (§§ 323, 1111 (4)\*)—Evidence Held to Raise Presumption of Venue in Prosecution for Seduction Which in Connection with Trial Judge's Certificate Will Prevent Reversal.**—In a prosecution for seduction, evidence by prosecutrix and accused as to the place where their acts took place raised a presumption that the offense was committed in the county of trial, and when to that presumption was added the certificate of the trial judge that "the venue of the offense was satisfactorily proved," the judgment will not be reversed for lack of proof.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 609.]

Error to Circuit Court, Fluvanna County.

Pleasant Harding, Jr., was convicted of seduction under promise of marriage, and assigns error. Affirmed.

*Fife & Pitts*, of Charlottesville, for plaintiff in error.

*John R. Saunders, Atty. Gen.*, and *J. D. Hank, Jr., Asst. Atty. Gen.*, for the Commonwealth.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.